

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR73

BRIAN JOHNSON

ORDER

This cause is before the Court on the defendant's Motion for Continuance and Extension of Time [34]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on December 14, 2009. In support of the motion, defense counsel avers that the government intends to provide supplemental discovery; however, those efforts have been hampered by technical problems with the audio and video recordings to be disclosed. Review of said discovery is essential to defense counsel's ability to advise her client and prepare for trial. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from December 14, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this

continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant's Motion for Continuance and Extension of Time [34] is GRANTED;
2. That the trial of this matter is continued until Monday, January 25, 2010 at 9:00 a.m.
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from December 14, 2009 until January 25, 2010 is excluded as set out
above;
4. That the deadline for filing pretrial motions is January 4, 2010;
5. That the deadline for submitting a plea agreement is January 11, 2010.

SO ORDERED, this the 24th day of November, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE